

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of	)	
	)	
Petition of the New York Public Service	)	
Commission's Request for Delegated Authority	)	CC Docket No. 96-98
For Jurisdiction Over Area Code Changes	)	
Pursuant to 47 U.S.C. §251(e)(1)	)	NSD File No. L-01-159

**COMMENTS OF  
THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)<sup>1</sup> hereby submits its comments on the petition filed by the New York Public Service Commission (“NY PSC”),<sup>2</sup> seeking unfettered delegated authority to make area code changes outside the context of area code relief planning. Specifically, the NY PSC has filed a petition requesting authority to alter area code boundaries for reasons other than area code exhaust and relief planning, and to grant certain locales a new area code.<sup>3</sup>

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<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2</sup> *Public Notice*, “Common Carrier Bureau Seeks Comment on the New York State Public Service Commission’s Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. §251(e)(1),” CC Docket No. 96-98, DA 02-42 (rel. Jan. 10, 2002).

<sup>3</sup> The New York PSC has requested authority to make area code changes in Roscoe, Farmington, and Ontario County, New York. *See* Petition of the New York Public Service Commission’s Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. §251(e)(1), CC Docket No. 96-98 (filed Oct. 15, 2001) at 3 (“NY PSC Petition”).

## **DISCUSSION**

The NY PSC has requested delegated authority to alter area code boundaries. This request extends beyond the limited authority previously granted the states by the Commission and is contrary to the role the Commission prescribed in the recent *Third Report and Order* for number resource optimization.<sup>4</sup> The *Third Report and Order* prescribes a national framework for numbering administration and precisely delegates limited authority to the states to allow them to assist the FCC in its number conservation efforts. As the Commission is well aware, one area code contains nearly eight million numbers, and represents the largest block of numbers in the North American Numbering Plan. At a time when the Commission is managing numbers at the thousand-block level, and requiring industry and the states to be careful stewards of scarce numbering resources, the NY PSC seeks unrestricted authority to modify area code boundaries – and thus number utilization – without regard to its impact on number conservation. Moreover, the NY PSC, like all other state commissions, has other tools to address the concerns of its citizens who reside along area code boundaries.<sup>5</sup> For these reasons, CTIA opposes the petition and urges the Commission to reject the requested grant of delegated authority.

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<sup>4</sup> *In re Numbering Resource Optimization*, CC Docket No. 99-200, *Third Report and Order* (rel. Dec. 28, 2001) (“*Third Report and Order*”). See also *In re Numbering Resource Optimization*, CC Docket No. 99-200, *Second Report and Order* (rel. Dec. 29, 2000) (“*Second Report and Order*”); *In re Numbering Resource Optimization*, CC Docket No. 99-200, FCC No. 00-104, *Report and Order and Further Notice of Proposed Rulemaking* (rel. March 31, 2000) (“*Numbering Resource Optimization Order*” or “*NRO Order*”).

<sup>5</sup> These tools include rate center consolidation, to eliminate “toll” charges for calls between rate centers, establishing Extended Area Service (EAS) between communities, and the provision of Foreign Exchange (FX) lines tariffed at attractive rates.

Because they are the largest building blocks of the North American Numbering Plan, Numbering Plan Areas (“NPA”) lack the granularity of local exchange and rate center boundaries. As the Commission has learned, changing NPA boundaries impacts number utilization, impacts the Public Switched Telephone Network (“PSTN”) and how calls are routed and completed, and it impacts wireline and wireless end users who much change their phone numbers. Moreover, the petition fails to address the problems—and inefficient use of numbering resources—that will likely result from area code revisions, namely, the reapportionment of NXX codes and thousand-number blocks that are currently assigned and must be reclaimed, and the stranding of otherwise assignable NXX codes in the adjacent area code, as duplicate NXX codes are not available for assignment to prevent customer confusion and misdialing. In many cross-border situations, seven-digit dialing is preserved for adjacent communities, which also strands the affected NXX in the adjacent NPA since it cannot be assigned in both area codes.

Not only has the NY PSC petitioned the Commission for a delegation of authority to alter the area codes in three specific communities, it also seeks broad new powers to alter area codes in the future. If the petition is granted, state commissions would be free to alter area code boundaries without regard to the impact on number conservation, and free to undermine the Commission’s efforts to preserve the life of the North American Numbering Plan. It is more than a little ironic that the NY PSC is seeking to alter customers’ area codes for reasons that have nothing to do with area code relief, when other state commissions have opposed legitimate and long overdue relief plans citing concerns that consumers may be burdened by the expense, confusion, and inconvenience created by an area code change.

Grant of the NY PSC's request will invite other requests from around the country.<sup>6</sup> Area code modifications impose costs on carriers and customers alike, and uniquely burden carriers at a time when they are preparing to meet the Commission's number pooling mandate and are devoting their resources to comply with the national pooling schedule, which will commence in March 2002.<sup>7</sup>

CTIA strongly believes that conservation measures must be developed at the national level.<sup>8</sup> The NY PSC's claim that state commissions are in a better position than the Commission to determine area code relief turns the original delegation of the Commission's plenary authority over numbering resources on its head. The Commission has stated that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications services.<sup>9</sup> The NY PSC has failed to provide any parameters to its requested powers, and if the Commission grants the NY PSC's petition, the state commission may alter area code boundaries without

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<sup>6</sup> Given the overlapping geo-political boundaries for independent governmental entities, such as school districts, U.S. Post Office stations and zip codes, police, fire, and rescue squads, and different communities of interest for different segments of the population, it is impossible to draw area code boundaries that do not divide one part of a community from another. Regulators have developed the tools described in footnote 5, *supra.*, to address these legitimate concerns.

<sup>7</sup> See *Federal Communications Commission's Common Carrier Bureau Selects NeuStar, Inc. as National Thousands-Block Number Pooling Administrator*, Press Release (rel. June 18, 2001).

<sup>8</sup> Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, *Memorandum Opinion and Order on Reconsideration*, 13 FCC Rcd. 19009 at ¶¶ 21, 27, 30 (1998) ("Pennsylvania Numbering Order").

<sup>9</sup> *Ameritech Order* at ¶ 13. *Pennsylvania Numbering Order* at ¶ 21.

restriction. The Commission has previously only delegated area code administration authority to the state commissions for implementing numbering resource relief. The NY PSC has asked the Commission for authority to change area code boundaries for reasons that do not reference, and more importantly, are at odds with the Commission's efforts to conserve and assure the uniform administration of the North American Numbering Plan.

### **CONCLUSION**

The New York Public Service Commission has petitioned the FCC for unfettered authority over the administration of NPA boundaries, and thus the assignment of numbering resources without regard to number conservation. CTIA urges the Commission to adhere to its nationwide system of number administration. Unlike the NY PSC request, the FCC's rules seek to conserve scarce numbering resources, and reflect the considered input of public (both state and Federal) and private numbering experts working through the North American Numbering Council (NANC), the ATIS-sponsored Industry Numbering Committee (INC), and industry-specific groups (such as CTIA and USTA). There is a broad consensus supporting number conservation through a national system of fair and impartial rules. The NY PSC petition risks upsetting the FCC's approach to number administration just as the Commission has nearly completed its rulemaking activities and the success of its number conservation efforts have been demonstrated. CTIA supports the Commission's nationwide approach to number administration and conservation, and CTIA consistently has urged the FCC to reject proposals that promote a "patchwork" of individualized, local measures that would subject carriers to inconsistent state numbering administration regimes and impermissibly compromise the Commission's exclusive jurisdiction over the North American

Numbering Plan. Numbers remain a scarce resource. The most efficient utilization of the nation's numbering resources is through the FCC's national approach which seeks to conserve both eight million block NPA's and thousand block NXX codes, for *all* states and *all* consumers.

Respectfully submitted,

**Cellular Telecommunications &  
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/s/

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